

CR15-00707-PHX-SRB AMBER PLUFF 2-23-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,)
)
 Plaintiff,)
) CR15-00707-PHX-SRB
 vs.) Phoenix, Arizona
) February 23, 2016
 Abdul Malik Abdul Kareem,)
)
 Defendant.)
)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #5
TESTIMONY: AMBER PLUFF

APPEARANCES:

For the Government:

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Proceedings Reported by Stenographic Court Reporter
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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record and spell your last name.

THE WITNESS: Amber Pluff. P-L-U-F-F.

THE COURT: You may proceed, Mr. Koehler.

AMBER PLUFF, WITNESS, SWORN

DIRECT EXAMINATION

BY MR. KOEHLER:

Q Good morning, Ms. Pluff. Could you please introduce yourself to the jury.

A Amber Pluff.

Q And how old are you?

A Twenty.

Q Did you used to date a person by the name of Stefan Verdugo?

A Yes.

Q At some point --

When did you first start dating him, first off?

A The beginning of March.

Q Of what year.

A Of 2015.

Q So March of last year.

And at some point while dating him, did you come to meet somebody that you knew as D?

A Yes.

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1 Q And how did you meet D?

2 A It was at the beginning of our relationship, mine and
3 Stefan's relationship. We were on our way to a bus stop and D
4 was driving by. And he had stopped because Stefan had called
5 for him and that's how I met him.

6 Q Okay. Could you please pull the microphone just a little
7 bit closer to yourself?

8 A Sorry.

9 Q You can actually move the microphone, I think. Yes. That
10 might help a little bit.

11 Okay. And so you said Stefan called out to him.
12 What happened then?

13 A He had pulled over into the parking lot and stopped and me
14 and Stefan got into the car.

15 Q Okay. And where were you and Stefan going?

16 A We were going to our friend's house.

17 Q What was your friend's name?

18 A Nick Loving.

19 Q During the ride in the vehicle, did Stefan and D talk?

20 A Yes.

21 Q Did you pay any attention to their conversation?

22 A Not at all.

23 Q Did you notice whether anything was playing on the radio
24 in the car?

25 A No.

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1 Q Where were you seated in the car?

2 A Behind the passenger's seat.

3 Q And what were you doing?

4 A Staring out the window.

5 Q Okay. Were you listening at all?

6 A No.

7 Q Did you hear any conversation between them, any specifics
8 of anything they said?

9 A No.

10 Q Did you hear him talk about religion or anything else in
11 the vehicle?

12 A No.

13 Q On times that you met D, what was his attitude like toward
14 you?

15 A Like I didn't exist.

16 Q Did he ever greet you?

17 A No.

18 Q Shake your hand?

19 A Nope.

20 Q Did there come a time in which you learned of a shooting
21 that happened in Garland, Texas, involving a contest?

22 A Yes.

23 Q Do you remember where you were when that happened?

24 A At the Budget Suites on 27th Avenue and Yorkshire.

25 Q Were you with Stefan Verdugo at that time?

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1 A Yes.

2 Q And was he watching the news or how did you learn of this?

3 A He was watching the news and he had called me over because
4 he had seen it, so.

5 Q What was his demeanor like at that point?

6 A Like in angry excitement, like he was upset.

7 Q Okay. And did he say something to you at that point?

8 MR. MAYNARD: Objection. Hearsay.

9 THE COURT: Sustained.

10 MR. KOEHLER: Your Honor, it's an excited utterance.

11 THE COURT: Apparently, not. She said he called her
12 over to look at something that he had already seen.

13 BY MR. KOEHLER:

14 Q Was the thing still playing at the time?

15 A Yes.

16 Q And was he still in a state of excitement?

17 A Yes.

18 Q Did he tell you what he was going to do at that point in
19 time?

20 MR. MAYNARD: Objection. Hearsay.

21 THE COURT: Sustained.

22 BY MR. KOEHLER:

23 Q Did you overhear him make a phone call after that?

24 MR. MAYNARD: Objection. Hearsay.

25 THE COURT: This calls for a yes-or-no answer. You

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1 may answer, but just "yes" or "no."

2 Did you hear him make a phone call?

3 THE WITNESS: Yes.

4 BY MR. KOEHLER:

5 Q Prior to making the phone call, what did you do?

6 A I'm sorry?

7 Q Prior to the phone call taking place, what did you do?

8 A I Googled the FBI's number for him.

9 Q The next day, did he have a meeting with law enforcement?

10 A Yes.

11 Q Which agency did he meet with first?

12 A ATF.

13 Q Do you know why that meeting took place?

14 A Me and him had been encountered with a driveby shooting
15 when we first started dating.

16 Q And did he later on speak to the FBI after that?

17 A Yes.

18 Q Were you also present for that?

19 A Yes.

20 Q After the Garland shooting, did you happen to see D
21 driving around the neighborhood?

22 A Yes.

23 Q Did you see him also around the neighborhood before the
24 Garland shooting?

25 A Yes.

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1 Q Did you see him greet D -- or excuse me -- greet Stefan
2 during that time?

3 A Yes.

4 Q Did he have a typical way of breaking off his
5 conversations with Stefan?

6 A Yes.

7 Q And were you able to observe that over the course of time?

8 A Yes.

9 Q And what was that way of breaking off the conversation?

10 A He always seemed paranoid and said that he had to go
11 because the feds were listening.

12 MR. KOEHLER: No further questions.

13 THE COURT: Mr. Maynard.

14 CROSS EXAMINATION

15 BY MR. MAYNARD:

16 Q Good morning, Ms. Pluff.

17 You're currently living in California?

18 A Yes.

19 Q Okay. I believe you just testified that when you first
20 met Stefan Verdugo was around the first of March of 2015?

21 A Yes.

22 Q And where was he living the 1st of March of 2015?

23 A Nick Loving's house.

24 Q Did you have an understanding of how long he had been
25 living with Mr. Loving before you met him?

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1 A I believe so, yeah.

2 Q And how long was that?

3 A I think about three months.

4 Q And so that would have been somewhere back around the
5 first of the year he had moved in with Mr. Loving?

6 A I believe so, yes.

7 Q Okay. And did you move in with Mr. Verdugo at that time?

8 A No. It was --

9 Q A couple weeks later?

10 A Yeah, when we started dating, like three or four weeks
11 after that.

12 Q Okay. And this -- you're standing at a bus stop with
13 Mr. Verdugo and he sees -- you knew him as D; is that correct?

14 A Yes. Yes.

15 Q You have to say --

16 A Yes.

17 Q Okay. And D is the individual that is sitting over here
18 in the blue shirt?

19 A Yes.

20 Q Okay. And Mr. Verdugo waved him down. He stopped. And
21 you got into the car with Mr. Verdugo?

22 A Yes.

23 Q Okay. Mr. Verdugo is sitting in the passenger's seat.
24 You're sitting in the back seat right behind him?

25 A Yes.

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1 Q Okay. And you're going to Nick Loving's house?

2 A Yes.

3 Q Okay. You said the radio wasn't playing, but there was
4 conversation going on between those two, correct?

5 Didn't you hear conversation about how's the business
6 going? Git-r Done. The moving company. Things of that
7 nature?

8 A I have heard of the business, but I haven't -- I don't
9 recall the actual conversation that they had that day.

10 Q I understand you don't recall the conversation, but it
11 wasn't like they were speaking in hushed tones so that you
12 couldn't hear. You just weren't paying a lot of attention to
13 it?

14 A Yeah.

15 Q Okay. But you did hear some casual conversation going on
16 between the two about how are you doing, how have you been,
17 that kind of thing?

18 A Yes.

19 Q Okay. And did they talk about the move -- D or
20 Mr. Malik's moving company?

21 A I don't doubt that they did.

22 Q Okay. What you don't remember is them talking about any
23 religion or things of that nature, correct?

24 A No.

25 Q What you overheard was just basically idle chitchat

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1 between two people who knew each other?

2 A Yes.

3 Q Okay. So it's not that you didn't hear anything. It's
4 just that you didn't hear anything of any substance?

5 A Yes.

6 Q Okay. Now, you dated Mr. Verdugo for several months,
7 correct?

8 A Yes.

9 Q All right. And at the time that Mr. Verdugo saw this news
10 story, where were you living?

11 A The Budget Suites on 27th Avenue and Yorkshire.

12 Q And how long had you been staying there?

13 A I believe a little over three weeks.

14 Q Okay. During that time period what was Mr. Verdugo doing
15 for money?

16 MR. KOEHLER: Objection. Relevance.

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: Odds-and-ends jobs on Craigslist.

19 BY MR. MAYNARD:

20 Q Were there any other things that he was doing for money?
21 How was he making money?

22 MR. KOEHLER: I continue the objection, Your Honor.
23 Asked and answered.

24 THE COURT: Overruled. You may answer.

25 THE WITNESS: He was having me sleep with men for

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1 money.

2 BY MR. MAYNARD:

3 Q You understand that there are current charges pending
4 against Mr. Verdugo?

5 A Yes.

6 Q And you are the individual that was the victim in these
7 charges?

8 A Yes.

9 Q Okay. Is it fair to say at that time that Mr. Verdugo was
10 having money problems?

11 A Yes.

12 Q And that was one of the reasons why he was having you
13 perform those acts, correct?

14 A Yes.

15 Q Okay. Did you get the money or did he get the money?

16 THE COURT: I think we've explored this issue enough,
17 Mr. Maynard.

18 MR. MAYNARD: I understand.

19 BY MR. MAYNARD:

20 Q Are you okay? I think there's water in front of you if
21 you want some.

22 After you stopped living at the Budget Suites, do you
23 know where Mr. Verdugo went?

24 A He fled to California.

25 Q Does Mr. Verdugo have any tattoos on his body?

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1 A Several.

2 Q Can you tell the jury what they are?

3 MR. KOEHLER: Objection. Relevance.

4 THE COURT: Sustained.

5 BY MR. MAYNARD:

6 Q Just a moment, Your Honor.

7 Did you at some point become aware whether
8 Mr. Verdugo had lived with D?

9 A Yes.

10 Q Okay. And where do you recall that being?

11 A Off of 17th Avenue and Peoria on Cochise.

12 Q Did Mr. Verdugo have any friends that you visited that
13 lived in that area?

14 A Yes.

15 Q And where did they live?

16 A Right across the street.

17 Q And do you recall who they were?

18 A I recall one of his friends. His name was Lupe.

19 MR. MAYNARD: I don't have any further questions,
20 Judge. Thank you.

21 THE COURT: Mr. Koehler, do you have any questions on
22 redirect?

23 **REDIRECT EXAMINATION**

24 BY MR. KOEHLER:

25 Q At the time that the phone calls happened in the meetings

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1 with ATF and FBI, had Stefan yet been arrested?

2 A No.

3 Q When you talked to him, did you learn how long he had
4 known D?

5 A Yes.

6 Q How long had he known D?

7 MR. MAYNARD: Objection. Hearsay.

8 THE COURT: Sustained.

9 BY MR. KOEHLER:

10 Q When you were in the vehicle with him and D, when did you
11 overhear the idle chitchat?

12 A When we first got in the car.

13 Q And did you listen to the conversation any further after
14 that point?

15 A No.

16 MR. KOEHLER: Thank you. No further questions.

17 THE COURT: May this witness be excused, Mr. Koehler?

18 MR. KOEHLER: Yes, Your Honor.

19 THE COURT: Is there any objection.

20 MR. MAYNARD: No, Your Honor.

21 THE COURT: Thank you, Ms. Pluff. You may step down
22 and you are excused as a witness.

23 The government may call its next witness.

24 (End of Excerpt of Proceedings.)

25 * * *

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 3rd day of March, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE